

Notice of Allowability

Application No.

10/725,660

Examiner

John K. Fristoe Jr.

Applicant(s)

FORTINO ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application filed 12/02/2003.
2. ☒ The allowed claim(s) is/are 1-14.
3. ☒ The drawings filed on 02 December 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-14 are allowed.
2. The following is an examiner's statement of reasons for allowance: Regarding claims 1-13, U.S. Pat. No. 4,872,482 (Jarrett) discloses a valve closure system having an air motor (68) and a circuit for operating the air motor that controls a valve closure system comprising a first valve (32) having a first port (202) for connection to an air source (110) and a second port (188), a second valve (176) having a first port (184), a second port (174), and a third port (190) that is connected to an emergency air source (194), and the emergency air port is attached to the second port upon disruption of air from the air source but lacks that upon delivery of emergency air to the third port the air forces the third port to open to the second port regardless of whether its second port is open or closed to the first port. Regarding claim 14, Jarrett discloses a valve closure system comprising a bi-directional air motor (68) for turning the handles of a tank valve (12), the motor having a first port (81) and a second port (80), a circuit for operating a motor comprising a non-emergency air port (184), an emergency air port (190), an emergency air source (194), a valve arrangement (32 and 176), having a condition where the non-emergency air port is connected to the first port of the air motor but not the second port (col. 6, lines 59-63), having a condition where the non-emergency air port is connected to the second port of the air motor but not to the first port (col. 7, lines 14-23), having a condition that does not cause delivery of non-emergency air to either the first or second port (col. 7, lines 7-13), having a condition that upon delivery of the emergency air to the emergency air port causes air from the emergency air port to be delivered to the first port of the air motor (col. 7, lines 45-57), and

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wherein the system is a closed system that does not have an exhaust port in the air motor to exhaust air pressure when the tank valve is moved from either the open or closed position as opposed to the claimed system having a motor with an exhaust port.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,053,202 (Cunningham) discloses a failure closure system having a first and second valve.

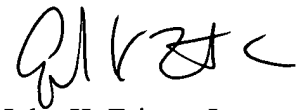
U.S. Pat. No. 3,279,484 (Brinkel) discloses a control circuit having alternative pressure sources.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John K. Fristoe Jr. whose telephone number is (703) 308-1437 until November 18 and then the phone number is (571) 272-4926. The examiner can normally be reached on Monday-Friday, 7: 00 a.m-4: 30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory L. Huson can be reached on (703) 308-2580. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

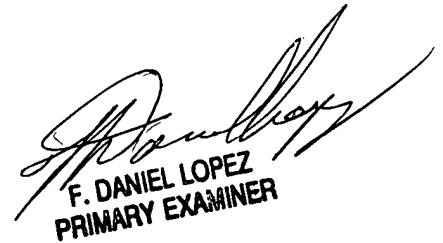
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John K. Fristoe Jr.
Examiner
Art Unit 3751

JKF



F. DANIEL LOPEZ
PRIMARY EXAMINER